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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 ALFREDO GONZALEZ,

13 Plaintiff,

14 v.

15 P.J. DENT, et al.,

16 Defendants.

CASE NO. CV 04-00107 VRW (PR)

**STIPULATION AND [PROPOSED] ORDER
GRANTING PLAINTIFF ACCESS TO
CONFIDENTIAL ATTORNEY-CLIENT
TELEPHONE CALLS**

The Honorable Vaughn R. Walker

17 Pursuant to Local Rule 7-12, the parties to this matter stipulate, and request of the
Alfredo
18 Court, than an order be entered allowing Plaintiff ~~Alberto~~ Gonzalez to make confidential
19 attorney-client telephone calls to his counsel, Latham & Watkins LLP.

20 Mr. Gonzalez seeks regular communication with his counsel. All of Mr.
21 Gonzalez's attorneys in this matter are located in San Francisco, which is more than 130 miles
22 from Salinas Valley State Prison ("SVSP") in Soledad, California, where Mr. Gonzalez is
23 incarcerated. See Declaration of Seth Morris in Support of Stipulation Granting Plaintiff Access
24 to Confidential Attorney-Client Telephone Calls ("Morris Decl.") at ¶ 2. The geographic
25 distance between Mr. Gonzalez and his counsel makes it difficult to schedule frequent, in-person
26 meetings.

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Under 15 California Code of Regulations section 3282(g)(1), counsel may request confidential telephone calls with his client. "Where demand for confidential calls seriously burdens institutional operations, the institution head, or his/her designee, shall prioritize confidential calls." *Id.* at 3282(g)(2). On March 19, 2007, counsel for Mr. Gonzalez contacted SVSP and requested that Mr. Gonzalez be permitted a limited number of confidential attorney-client telephone calls with his attorneys. Morris Decl. at ¶ 5; Exhibit A. SVSP denied this request on March 20, 2007. Morris Decl. at ¶ 6; Exhibit B. A SVSP Litigation Coordinator, Enedelia Donelly, indicated that confidential attorney-client phone calls would be permitted if Mr. Gonzalez would first obtain a court order. *Id.* at ¶ 3. Opposing counsel has no objection to Mr. Gonzalez's confidential telephone calls to his counsel, and so stipulates. *Id.* at ¶ 4.

The parties stipulate, and hereby request of the Court, that an order be entered providing plaintiff with access to six, one-hour, confidential telephone calls with his attorneys on the following dates:

- Wednesday, April 11 at 10:00am;
- Friday, April 20 at 10:00am;
- Friday, April 27 at 10:00am;
- Friday, May 11 at 10:00am;
- Friday May 25 at 10:00am; and
- Friday June 1 at 10:00am.

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FROM LATHAM & WATKINS LLP Fax Machine #2 (WED) 4/4/07 13:08/ST:13:07/NO:4861909431 P 4

1 It is so stipulated, through counsel of record as indicated below.

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3 Dated: April 3, 2007

LATHAM & WATKINS LLP

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By

Xochitl D. Arteaga,
Attorneys for Plaintiff Alfredo Gonzalez.

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Dated: April 4, 2007

EDRINGTON, SCHIRMER & MURPHY

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Date: April 6, 2007

By

Dolores M. Donohoe,
Attorneys for Defendant P.J. Dent

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